

March 24, 2008

RE: Director's Review Request

Dear Mr. Holman:

On February 29, 2008, Karen Wilcox, Director's Review Coordinator, sent you a letter addressing the timeliness of your Director's review request.

In your March 11, 2008 response, you indicate that you received the Department of Transportation's (DOT's) allocation determination from Niki Pavlicek via e-mail on January 9, 2008, which is also the date on Ms. Pavlicek's memorandum. We received your request for a Director's review on February 11, 2008. Since DOT provided you notice (service of notice) of the allocation determination on January 9, 2008, the deadline for requesting review elapsed on February 8, 2008.

You contend your request is timely filed because you put the request for a Director's review in the mail at the Tacoma Post Office on February 8, 2008. However, unlike the service of notice rule, WAC 357-49-023 states, "[p]apers that must be filed with the director for director's review requests are considered to be filed only when the papers are actually received in the director's review office in Olympia, Washington." (Emphasis added).

Because we received your request 33 days after DOT provided you notification of the allocation determination, your request for a Director's review was untimely. Therefore, the matter is closed.

Either party may appeal the Director's determination on timeliness to the Personnel Resources Board (Board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for

Dean Holman  
March 24, 2008  
Page 2

the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If you are covered by a collective bargaining agreement, please refer to the appropriate contract regarding appeal rights to the Board.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons, SPHR  
Director's Review Program Supervisor  
Legal Affairs Division

c: Niki Pavlicek, DOT